

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)	
JOHN D. WEBER, D.D.S.)	
9796 W. 22nd Place, Apt. 202)	
Lakewood, CO 80215)	NOTICE OF HEARING
License #6407)	
Respondent)	

You are hereby notified that on January 24, 2003, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on April 16, 2003, before the full Board or a panel of the Board. The hearing shall begin at 3:00 p.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge

make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:


Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 24th day of January, 2003.


LEROY I STROHMAN, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

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**JOHN D. WEBER, D.D.S.
9796 W. 22nd Place, Apt. 202
Lakewood, CO 80215**

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STATEMENT OF CHARGES

Dental License #6407

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Respondent

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
 - 2) On April 16th, 1979, John Douglas Weber, D.D.S., the Respondent, was issued license number 6407 by the Iowa Board of Dental Examiners to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
 - 3) Dental License number 6407 is current and expires on June 30, 2004.

COUNT I

Respondent is charged under Iowa Code Section 153.34(12) (2001) with having disciplinary action taken against his dental license by another state.

COUNT II


Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule when he failed to report a license revocation, suspension, or other disciplinary action taken by a licensing authority of another state within thirty (30) days of the final action, as required by Iowa Administrative Code 650-30.4(32).

THE CIRCUMSTANCES

- 1) Respondent was issued Iowa dental license number 6407 to practice dentistry in the State of Iowa on April 16th, 1979, which expires on June 30, 2004.
- 2) Respondent was issued license number 12010211 to practice dentistry in the State of Indiana on August 24, 1999. His Indiana license was placed on probation on October 22, 1999, subject to a number of terms. This action was taken as a result of Respondent's felony conviction and the action taken by the Iowa Board of Dental Examiners on November 21, 1996, and September 18, 1997.
- 3) On March 28, 1996, the Iowa Board of Dental Examiners filed a Statement of Charges against Respondent based on, inter alia, being convicted of a felony in the United States District Court for submission of numerous false claims to the Title XIX Medical Assistance program, his failure to maintain a reasonably satisfactory standard of competency, and knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of dentistry.
- 4) On November 21, 1996, the Iowa Board issued a Findings of Fact, Conclusions of Law, Decision and Order. That Order revoked Respondent's Iowa dental license and established numerous terms for reinstatement.
- 5) On September 18, 1997, the Iowa Board issued a Findings of Fact, Conclusions of Law, Decision and Order reinstating Respondent's dental license. That Order placed Respondent's license on indefinite probation subject to a number of conditions, including a requirement that he provide thirty days notice of his return to Iowa, and a requirement that he submit for Board approval a plan for practice monitoring before resuming practice in Iowa.

- 6) On November 13, 2002, Respondent notified the Iowa Board that he plans to return to practice in Iowa in mid- to late spring of this year. He has submitted a practice monitoring plan for Board approval.
- 7) On January 11, 2001, the Indiana State Board of Dentistry issued an order placing Respondent's license on indefinite suspension because of his failure to comply with the terms of his Board order. That Order concluded, inter alia, that Respondent failed to submit required reports, failed to timely report that he was terminated by his employer for substandard clinical skills, failed to appear for a Show Cause hearing on November 3, 2000, and failed to respond to the Board's Notice of Proposed Default Order filed November 3, 2000.
- 8) Respondent failed to timely report this action against his dental license to the Iowa Board of Dental Examiners. Respondent notified the Iowa Board of Dental Examiners on May 7, 2002, in his license renewal application of the Indiana State Board of Dentistry action.

On this 24th day of January, 2003, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


LeRoy I. Strohmman, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
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